

CHEYENNE AND ARAPAHO TRIBES.

V.

LESLIE WANDRIE-HARJO, *et al.*,

Case No. CIV-15-262-D

If the RICO claim in this case is to be pursued, Plaintiff shall file a RICO case statement within 21 days from the date of this Order. This statement shall include the facts that Plaintiff is relying upon to state a RICO claim as a result of the “reasonable inquiry” required by Rule 11 of the Federal Rules of Civil Procedure. In particular, the statement shall be in a form which uses the numbers and letters as set forth below, and shall state in detail and with specificity the following information:

1. State whether the alleged unlawful conduct is in violation of 18 U.S.C. § 1962(a), (b), (c) and/or (d).
2. State the alleged misconduct and basis of liability of Defendant Leslie Wandrie-Harjo.
3. List the alleged wrongdoers, if any, other than Defendant Wandrie-Harjo, and state the alleged misconduct of each wrongdoer.
4. List the alleged victims and state how each victim was allegedly injured.
5. Describe in detail the pattern of racketeering activity. The description shall include the following information:

- a. List the alleged predicate acts and the specific statutes that were allegedly violated;
- b. Provide the dates of the predicate acts, and a description of the facts surrounding the predicate acts;
- c. If the RICO claim is based on the predicate offenses of wire fraud or mail fraud, the “circumstances constituting fraud or mistake shall be stated with particularity.” Fed. R. Civ. P. 9(b). Identify the time, place, and contents of the alleged misrepresentations and the identity of persons to whom and by whom the alleged misrepresentations were made;
- d. State whether there has been a criminal conviction for violation of the predicate acts;
- e. State whether civil litigation has resulted in a judgment in regard to the predicate acts;
- f. Describe how the predicate acts form a “pattern of racketeering activity;” and
- g. State whether the alleged predicate acts relate to each other as part of a common plan. If so, describe in detail.

6. Describe in detail the alleged enterprise for the RICO claim. The description shall include the following information:

- a. State the names of the individuals, partnerships, corporations, associations, or other legal entities, that allegedly constitute the enterprise;
- b. Describe the structure, purpose, function, and course of conduct of the enterprise;
- c. State whether Defendant and any other alleged wrongdoers are employees, officers or directors of the alleged enterprise;

d. State whether Defendant and any other alleged wrongdoers are associated with the alleged enterprise;

e. State whether Defendant and any other alleged wrongdoers are individuals or entities separate from the alleged enterprise, or the enterprise itself, or members of the enterprise; and

f. If Defendant and any other alleged wrongdoers are alleged to be the enterprise itself or members of the enterprise, explain whether such persons are perpetrators, passive instruments, or victims of the alleged racketeering activity.

7. State and describe in detail whether the pattern of racketeering activity and the enterprise are separate or have merged into one entity.

8. Describe the alleged relationship between the activities of the enterprise and the pattern of racketeering activity. Discuss how the racketeering activity differs from the usual and daily activities of the enterprise, if at all.

9. Describe what benefits, if any, the alleged enterprise receives from the alleged pattern of racketeering.

10. Describe the effect of the activities of the enterprise on interstate or foreign commerce.

11. If a violation of 18 U.S.C. § 1962(a) is alleged, provide the following information:

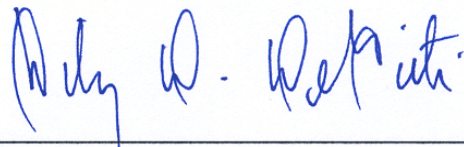
a. State who received the income derived from the pattern of racketeering activity; and

b. Describe the use or investment of such income.

12. If a violation of 18 U.S.C. § 1962(b) is alleged, describe in detail the acquisition or maintenance of any interest in or control of the alleged enterprise.

13. If a violation of 18 U.S.C. § 1962(c) is alleged, provide the following information:
- a. State who is employed by or associated with the enterprise; and
 - b. State whether the same entity is both the liable “person” and the “enterprise” under § 1962(c).
14. If a violation of 18 U.S.C. § 1962(d) is alleged, describe in detail the alleged conspiracy.
15. Describe the alleged injury to business or property.
16. Describe the direct casual relationship between the alleged injury and the violation of § 1962.
17. List the damages sustained by reason of the violation of § 1962.

IT IS SO ORDERED this 3rd day of August, 2016.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE